

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**VIVIAN WARREN**

**PLAINTIFF**

**V.**

**NO: 3:20CV220-M-RP**

**DANIEL B. FORE,  
A/K/A DANIEL B. FORE, MD**

**DEFENDANT**

**ORDER**

This cause comes before the Court on Defendant's Motion in Limine [91] to preclude expert opinions not previously disclosed. The Defendant requests the Court to preclude Plaintiff from offering any expert opinions at trial concerning deviations by Dr. Fore that were not previously disclosed in the Plaintiff's Rule 26 Expert Disclosures or Expert Report. Specifically, Defendant requests the Court to preclude the Plaintiff from asking questions or presenting any theories at trial that Dr. Fore deviated from the standard of care as it pertains to informed consent, use of ureteral stents, intraoperative dye, or intraoperative CT scan, as these alleged deviations were not disclosed in Dr. Ellis', Plaintiff's retained expert, expert report. Plaintiff responds by stating that any and all Rule 26 Expert testimony that is introduced at trial will be offered in compliance with Rule 26 of the Federal Rules of Civil Procedure and the Scheduling Order in this cause.

Plaintiff's expert witness, Dr. Ellis, did not provide an opinion that Dr. Fore deviated from the standard of care by failing to obtain informed consent, by not using ureteral stents, by not using intraoperative dye, or by not taking an intraoperative CT scan. These standards of care have not been established by Dr. Ellis, nor have there been any other expert opinions that Dr. Fore deviated from these standards of care.

**ACCORDINGLY**, it is therefore ordered that Defendant's Motion in Limine [91] is  
**GRANTED**.

**SO ORDERED**, this 23<sup>rd</sup> day of November, 2021.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF MISSISSIPPI**